

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

JOSEPH LOWE,

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION

Defendant.

Civil No. 3:23-cv-00621-AA

ORDER FOR ATTORNEY'S FEES

Finding that all the criteria for an application for attorney's fees have been met pursuant to 28 U.S.C. § 2412(d), and there being no objection, IT IS ORDERED. Plaintiff is awarded reasonable attorney's fees in the amount of \$3,725.

Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff has assigned her right to EAJA fees to her attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (3) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney.

IT IS SO ORDERED this 21st day of May, 2024.

/s/Ann Aiken
UNITED STATES DISTRICT JUDGE

Submitted by:

s/Corinne Schram
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Attorney for Plaintiff
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